

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

CIVIL ACTION NO.04-30070KPN

Peter K. Frei,
Plaintiff,

v.

TOWN OF HOLLAND, et al,
Defendant(s)

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REQUEST TO ENTER DEFAULT

TO THE CLERK OF THE UNITED DISTRICT COURT FOR THE DISTRICT OF
MASSACHUSETTS:

Peter Frei, plaintiff, requests that the Clerk of this
honorable Court enter the default of

TOWN OF HOLLAND, BOARD OF HEALTH, HOLLAND CONSERVATION COMMISSION,
HOLLAND POLICE DEPARTMENT, PLANNING BOARD, ZONING BOARD OF APPEALS,
Ronald Benoit, Debra Benveniste, Sally Blais, Richard Blease, Harold
E. Congdon, Robert Dymon, Robert Ford, Kevin Gleason, Benjamin
Haller, William Hardy, Earl Johnson, Helen Kreiger, Marilyn
LaPlante, Joanne May, Vincent J. McCaughey, Dora Metrelis, Arthur A.
Quinn, Brian Roche, and John Stevens, defendant(s),

for failure to plead or otherwise defend in a timely manner.
as provided by Fed.R.Civ.P. 55(a).

This request is based on the attached Affidavit of Peter Frei,
plaintiff, which subscribes under oath to the truth of the following
facts:

1. All of the above mentioned defendants where served with the
summons and complaint in person according to Fed.R.Civ.P.
4(c)(2), on different dates.
2. A copy of the summons with signed declaration of server to
prove service was proper filed with this Court on different
dates as to all defendants, establishing that service was

- proper pursuant to Fed.R.Civ.P. 4(c)(2).
3. On April 21, 2004, plaintiff mailed by certified mail, postage pre-paid, a copy of PLAINTIFF'S AMENDED COMPLAINT to all defendants.
 4. On April 29, 2004, Nancy Frankel Pelletier, Esq., filed NOTICE OF APPEARANCE as to all above mentioned defendants.
 5. On April 29, 2004, defendants counsel filed DEFENDANTS' MOTION FOR MORE DEFINITE STATEMENT OR, IN THE ALTERNATIVE, FOR AN EXTENSION OF TIME.
 6. On May 4, 2004, plaintiff filed PLAINTIFF'S OPPOSITION TO DEFENDANT'S MOTION FOR MORE DEFINITE STATEMENT OR, IN THE ALTERNATIVE, FOR AN EXTENSION OF TIME.
 7. On May 4, 2004, honorable Judge Kenneth P. Neiman denied DEFENDANTS' MOTION FOR MORE DEFINITE STATEMENT, and ordered defendants to file their answer no later than June 30, 2004.
 8. On June 30, 2004, defendants counsel filed in violation of Judge Kenneth P. Neiman's order and in violation of Fed.R.Civ.P. 12(g) DEFENDANTS' MOTION FOR LEAVE TO FILE A MEMORANDUM OF LAW IN EXCESS OF 20 PAGES IN SUPPORT OF DEFENDANTS' MOTION TO DISMISS, DEFENDANTS' MOTION TO DISMISS under rule 12(B)(6).
 9. Defendants counsel has failed to plead or otherwise respond to plaintiff's amended complaint in accordance with Fed.R.Civ.P.
 10. The applicable time limit for responding has expired on June 30, 2004.
 11. To the knowledge of plaintiff, no defendant is an infant or an incompetent person. All defendants are represented by counsel. Benjamin Haller is allegedly stationed in a Nursing Home

suffering alzheimer's disease. Benjamin Haller is represented by counsel.

12. To the knowledge of plaintiff, no defendant is in military service.

July 13, 2004

Peter K. Frei, plaintiff pro se

A handwritten signature in black ink, appearing to be 'PK Frei', written in a cursive style.

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(<http://www.01521.com/fed/fentdf01.htm>)